

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANDY IRA BOURDON,

Applicant,

v.

CIV-08-0326 MCA/LAM

**PUEBLO OF TESUQUE,
OFFICE OF THE GOV.,
JUDGE GEOFFREY TAGER,
LAW ENFORCEMENT P.D.,
ATTORNEY GENERAL OF
THE STATE OF NEW MEXICO,
DAVID TRUJILLO, WARDEN,¹**

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION (*Doc. 15*)**

_____ **THIS MATTER** is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (hereinafter, "PF&RD") (*Doc. 15*), filed on August 26, 2008. No party has filed objections to the PF&RD and the deadline for filing objections has passed.² The Court has determined that it will adopt the PF&RD, and dismiss Applicant Andy Ira Bourdon's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (*Doc. 1*) and this case without prejudice.

¹Warden David Trujillo was added as a respondent in this proceeding by order of the Court. *See* Order (*Doc. 4*), filed on March 28, 2008.

²The record of this case shows that a copy of the PF&RD was mailed to Applicant Andy Ira Bourdon on August 26, 2008, using an incorrect zip code of "87505" and the document was returned to the Court by the U.S. Postal Service on September 15, 2008, with its mailing envelope (*Doc. 16*) marked "Insufficient Address." In the interests of justice, the Magistrate Judge ordered that another copy of the PF&RD be mailed to Mr. Bourdon. *See* Order to Re-Mail Document (*Doc. 17*). Pursuant to that order, another copy of the PF&RD was mailed to Mr. Bourdon at his address of record using the correct zip code of "87508" on September 23, 2008. *See* Clerk's docket entry on September 23, 2008.

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 15*) are hereby **ADOPTED** and Mr. Bourdon's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (*Doc. 1*) and this case are hereby **DISMISSED without prejudice**.

IT IS SO ORDERED this 28th day of October, 2008.

A handwritten signature in black ink, appearing to read "M. Christina Armijo", written over a horizontal line.

HONORABLE M. CHRISTINA ARMIJO
UNITED STATES DISTRICT JUDGE